

# Calendar No. 1881

82D CONGRESS  
2d Session

SENATE

REPORT  
No. 1938

## TOSHIKO NAKAMUTA TAKIMOTO AND HER MINOR SON

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. R. 4326]

The Committee on the Judiciary, to which was referred the bill (H. R. 4326) for the relief of Toshiko Nakamuta Takimoto and her minor son, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to waive the racial barrier to admission into the United States in behalf of the wife and minor child of a United States citizen.

#### STATEMENT OF FACTS

The beneficiaries of the bill are mother and son and they are 26- and 2-year old natives and citizens of Japan respectively. The husband and father is a native-born citizen of the United States. The child did not derive citizenship through his father inasmuch as the father did not have the necessary residence in the United States as required by the Nationality Act of 1940.

A letter to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to the case reads as follows:

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 4326) for the relief of Toshiko Nakamuta Takimoto and her minor son, aliens. The bill would enable the aliens to enter the United States for permanent residence despite their racial ineligibility for citizenship.

The files of the Immigration and Naturalization Service of this Department disclose that Mrs. Takimoto and her son are natives of Japan of the Japanese race. They are 26 and 2 years of age, respectively. They are presently residing in Japan and according to Kiyoshi Takimoto, the husband-father of the aliens, have never resided in the United States. Mr. Takimoto is a native-born citizen of the United States having been born on March 25, 1922, at Chatsworth, Calif. He resided in the United States from birth until June 1940, when he accompanied his parents to Japan. He resided in Japan until December 24, 1941, when he proceeded to China where he was employed by the North China Transportation Co. until the end of the war. On October 11, 1945, he was employed by the Office of Strategic Services in Peiping, China, as a mechanic and driver. He states that after his citizenship was established in 1946 he "did confidential work for them."

Mr. Takimoto is presently self-employed as a gardener from which he receives an income of approximately \$375 a month, and has savings and machinery worth about \$1,375.

Since the subjects are of the Japanese race, they are ineligible for naturalization under section 303 of the Nationality Act of 1940 and thus ineligible for admission to the United States for permanent residence under section 13 (c) of the Immigration Act of 1924. The record, however, fails to present facts justifying the enactment of special legislation in their case. The problem of waiving the racial restrictions of immigration is a general one and should be resolved, if at all, by general legislation rather than by a series of private laws in individual cases.

Accordingly, this Department is unable to recommend the enactment of this measure.

Sincerely,

A. DEVITT VANECH,  
*Deputy Attorney General.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4326) should be enacted.

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